



# Application for Report and Consent - Siting

Part 5, Building Regulations 2018

## Complete this form if you want to:

Apply to vary Part 5 of the *Building Regulations 2018* for siting matters that apply to the construction of single Class 1 building/s(dwelling), an associated Class 10a building/s (e.g.sheds), and Class 10b structures (e.g. fences) AFTER you have engaged/appointed a building surveyor to issue a building permit for proposed building work.

## Applicant details

Name/Company/Business

Telephone Number

Email

Postal Address (only if communication is requested to be posted by ordinary mail)

Suburb

State

Postcode

## Property details

Number

Lot

Street

Suburb

State

Postcode

I hereby apply for consent in accordance with Schedule 2 of the Building Act 1993 for the matters under Part 2 of Schedule 5 of the *Building Regulations 2018* in relation to an application for a building permit and confirm that I have justified the proposal in accordance with Ministers Guidelines (matters requested to be nominated on the next page).

Signature

Date



		Reporting Matter	Fee
<input type="checkbox"/>	73	Maximum street setback (setback more than 1/3 depth of site)	
<input type="checkbox"/>	74	Minimum street setbacks (decreased minimum front setback)	
<input type="checkbox"/>	74A	Building Setback for small second dwelling	
<input type="checkbox"/>	75	Building height	
<input type="checkbox"/>	76	Site coverage (site coverage more than 60% of site)	
<input type="checkbox"/>	76A	Minimum garden area	
<input type="checkbox"/>	77	Permeability (impermeable surfaces covering more than 80% of lot area)	
<input type="checkbox"/>	78	Car parking (less than 2 car parking spaces)	
<input type="checkbox"/>	79	Side or rear setbacks (decreased side or rear setback)	
<input type="checkbox"/>	80	Walls on boundaries (increased height or length of boundary wall)	
<input type="checkbox"/>	81	Day light to existing habitable room windows	
<input type="checkbox"/>	82	Solar access to existing north-facing windows	
<input type="checkbox"/>	83	Overshadowing of recreational private open space	
<input type="checkbox"/>	84	Overlooking (increased overlooking to secluded private open space)	
<input type="checkbox"/>	85	Daylight to habitable room windows	
<input type="checkbox"/>	86	Private open space (decreased area of private open space)	
<input type="checkbox"/>	86A	Private open space for small second dwellings	
<input type="checkbox"/>	86B	Accessibility for small second dwellings	
<input type="checkbox"/>	87	Siting of appurtenant Class 10a buildings (class 10a on vacant site)	
<input type="checkbox"/>	89	Front fence height (increased front fence height)	
<input type="checkbox"/>	90	Fence setbacks from side and rear boundary	
<input type="checkbox"/>	91	Fences on or within 150mm of side or rear boundaries	
N/A	92	Fences adjacent street intersections – Refer to 'Corner Fence dispensation' form.	
<input type="checkbox"/>	94	Fences and daylight to habitable windows in existing dwelling	
<input type="checkbox"/>	95	Fences and solar access to existing north-facing habitable room windows	
<input type="checkbox"/>	96	Fences and overshadowing of recreational private open space	
<input type="checkbox"/>	97	Masts, pole, etc.	

Building Type/s Proposed

Required Dimension/s (height/setback/area) – *As specified by your engaged/appointed building surveyor*

Proposed Dimension/s (height/setback/area)

## Justify Your Application:

The following may be provided in your covering letter. It is **IMPORTANT** that the applicant reads the Character Guidelines/Statement and Ministers Guidelines to avoid immediate **refusal** and to determine if a redesign is more suitable. Refer to Councils website for these documents.

## Neighbourhood Character Guidelines/Statement

Specify the 'Key Existing Characteristic/s' in the Character Statement(Guidelines) that support your application. **NOTE: Your application will be refused if these guidelines are not met.**

## Ministers Guidelines

Information that justifies your application and responds to the guidelines.

Applications will not be processed without the payment of fees.

If an application is submitted by email, a “confirmation of lodgement” will be sent by return email with a reference number to quote when paying.

If payment is not received within 10 business days from your receipt of the confirmation email your application will expire and a new application will be required if you wish to proceed.

Applicant Should allow up to 25 business days for processing of applications, this is based on revised Ministers Guidelines introduced on the 14 December 2023 which introduce a requirement to achieve compliance with the Neighbourhood Character Guidelines/Statement.

Applicants may lodge an Appeal with regard to Councils failure to determine the application within 15 business days.

## How to submit and pay

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Please submit your completed form with any required documentation and payment via one of the methods below.

### † In Person

**via Eftpos, Visa, Mastercard, Amex, cash.**

Frankston City Council - Civic Centre  
30 Davey Street  
Frankston VIC 3199

Seaford Community Centre  
1/6 Broughton Street  
Seaford 3198

Langwarrin Customer Service Centre  
Shop 6, The Gateway  
230 Cranbourne-Frankston Road  
Langwarrin 3910

✉ Submit by **Email** Please email the completed application form with any required supporting documentation to: [info@frankston.vic.gov.au](mailto:info@frankston.vic.gov.au)  
**You will be notified how to pay by return email.**

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Prepayment Code: AP/RC – 2017 Onwards – Report and Consent

### **Privacy notice**

*Frankston City Council is committed to protecting your privacy. Council requires personal information to carry out its functions under the Local Government Act 1989 and other legislation and to provide services to the community. In some cases this will involve disclosure of your information to other parties, such as Council's contractors or other agencies. Your personal information will only be used and disclosed as authorised by law. For further information about how Council handles personal information, or to request access to your personal information, see [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au) or contact Council's privacy officer on 1300 322 322.*



## INFORMATION SHEET BUILDING REGULATIONS 2018, PART 5 - SITING

### Design Considerations

Pursuant to clause 4A of Schedule 2 of the Building Act, Council must refuse to give consent to a design which does not comply with 'Ministers Guidelines' for siting matters. Designers will need to be fully aware of these guidelines to avoid refusal of consent and fee retention. Copies of the guidelines are available at [www.vba.vic.gov.au](http://www.vba.vic.gov.au) and Councils website.

### Local Factors

Councils Planning Scheme also applies to building work that may be associated with your application:

- (1) It is the responsibility of the applicant to check if a planning permit or planning consent is required in relation to the proposed design.
- (2) Neighbourhood Character Guidelines/Statements may be found on Councils website, these statements **must** be used in the submission as required by the Ministers Guidelines.
- (3) Where a planning permit is required that regulates the same matter as that being submitted, the application submitted may be lapsed or refused. The applicant should check all planning requirements prior to lodgement of an application.

### Advertising

Clause 4A of Schedule 2 of the Building Act provides that, if in the opinion of the reporting authority (Council), the application may result in a nearby allotment suffering detriment; it must give the owner of the allotment an opportunity to make a submission in respect of the possible detriment.

Any comments of adjoining owners tendered by the applicant will not override the possibility that Council may further consult owners to ensure they have considered all factors relating to the siting provision under consideration.

Any relevant objection received by Frankston City Council is likely to result in a refusal to the application to give the objector an opportunity to represent their case at the 'Building Appeals Board' (and in accordance with the 'Ministers Guidelines').

### Decision Time Frame

Pursuant to Schedule 5 of the *Building Regulations 2018*, the time after receipt of a copy of an application for the reporting authority to report on or consent to an application is **15 business days**.

Although Council will endeavour to meet the time limit, it may not be met if it is not clear that the application is consistent with the Character Guidelines/Statement OR where Council require submissions from adjoining owners.

An owner has rights of appeal to the Building Appeals Board within 30 days, in relation to:

- (1) the determination or exercise of discretion, or
- (2) failure within a reasonable time to make a determination or exercise that discretion (S144) of Building Act)

### Further Information

Please refer to Frankston City Council's Building Fact Sheet 2 (General siting requirements for single dwellings and outbuildings) and Building Fact Sheet 5 ('Ministers Guidelines' for siting and design of single dwellings).

Documents Required for Council Report and Consent Assessment	
<input type="checkbox"/>	<b>Application Fees</b> (All fees are NON REFUNDABLE and must be paid upfront) See Fee schedule.
<input type="checkbox"/>	<b>Completed application form</b> Ensure the form is fully completed, including being signed and dated by the applicant (refer attached).
<input type="checkbox"/>	<b>Copy of Title and approved plan of Subdivision</b> If applicable, provide details of any covenants, Section 173 Agreements or other restrictions that are applicable to the property. (Title copy must be generated less than 12 months old)
<input type="checkbox"/>	<b>Architectural drawings</b> Drawings should be of a scale not less than a 1:100 including floor plans and elevations, and areas for consideration clearly dimensioned and highlighted. Where necessary, the applicant may be asked to provide a schedule of finishes. In some circumstances, it may be necessary to provide details to clarify certain issues (e.g. contours, overshadowing, eaves detail, footing details etc).
<input type="checkbox"/>	<b>Site Plan and Site Analysis</b> Showing all boundaries and setbacks, easements, existing building(s), proposed works and a North point. It may be necessary to detail the adjoining property building locations, including setbacks from front and side boundaries and where relevant, the locations of habitable room windows, private open space and recreational private open space. Overshadowing diagrams may be required, depending on the type of work proposed and the proximity to the side and/or rear boundary. In some cases, setbacks or heights of buildings on nearby allotments may be required to justify the application, including 5 properties either side and across the road from the subject site.
<input type="checkbox"/>	<b>Reason/Justification for application</b> An application for dispensation 'Report and Consent' shall be accompanied by a written summary explaining how the application satisfies the 'Ministers Guidelines' and the relevant 'Neighbourhood Character Guidelines/Statement'. <b>NOTE: The application will be refused if it does not comply with the 'Ministers Guidelines'</b> The Ministers Guidelines and Neighbourhood Character Guidelines/Statements are available on Frankston City Council's website.
<input type="checkbox"/>	<b>Comments from affected adjoining and other property owners</b> All matters that may affect or impact on the adjoining owner requires the applicant to obtain the adjoining owners written comments and <b>signed plans</b> . Where available, please request for or download our 'Adjoining Owner Comment' form relating to the particular Regulation from <a href="http://www.frankston.vic.gov.au">www.frankston.vic.gov.au</a> . For any further clarification please seek advice from the Building Team at the time of lodging applications.
<input type="checkbox"/>	<b>Notes:</b> The above information is a guide only. Additional information may be required to be submitted in order for a complete assessment to be undertaken depending on the nature, size and/or complexity of the building work. In some cases a Town Planning Permit may also be required for the proposal. It is the responsibility of the applicant to ascertain if a Town Planning Permit is required when making the dispensation application.